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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3193**
Hideki FUKUDA et al. : Attorney Docket No. 2002_0328A
Serial No. 10/086,447 : Group Art Unit 2621
Filed March 4, 2002 : Examiner Daniel T. Tekle
RECORDING APPARATUS : **Mail Stop AF**
AND METHOD

THE COMMISSIONER IS AUTHORIZED
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ACCOUNT NO. 23-0975

RESPONSE AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37.CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2621

Sir:

Responsive to the Office Action dated July 19, 2007, the Applicants respectfully request reconsideration and reexamination of the application in view of the following remarks.

Claims 1-3, 5-7, and 9-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kashiwagi et al. (US 6,393,574). This rejection is respectfully traversed and is believed clearly inapplicable to claims 1-3, 5-7, and 9-16 for the following reasons.

Independent claim 1 recites a recording apparatus for recording a compressed stream onto a recording medium, wherein the compressed stream is generated by encoding a broadcast signal. The recording apparatus includes, in part, a system controller and an encoder operable to generate the compressed stream (from the received broadcast signal), wherein the compressed stream includes a main unit. Claim 1 recites that the main unit is (1) formed from sub-units obtained from dividing the compressed stream into sub-units, and is (2) formed according to an instruction. Further, claim 1 recites that (3) the instruction is an instruction to form the main unit based on a monitored data size of the sub-units and the instruction is provided from the system controller (4) when the data size of the sub-units exceeds a predetermined threshold. Finally, claim 1